G. R. S. IX-5]

Previous references

19-20
192 (Muz.)

File No. 368-19

Serial Nos. 1-2

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for Nov 1920.

SUBJECT.

Recovery of possession of certain inam lands of the Sivaganga Mutt mortgaged to one Gélappa Chetty

---

179:-3 Dy 23.11.20

Re,

Mazgaon Subdivision -

Bombay Presidency & Berar

[illegible]

G. R. S. III—1] 191[illegible]

GENERAL AND REVENUE SECRETARIAT.

([illegible])

NOTES.

File No.

FILE HEADING.

~~Re grant to one of certain~~ Recovery of certain inam lands belonging of the Swagunga [illegible] to the one Yellappa Setti.

From

The Mysore Subah in Mysore

R.C. No. 81 Dated 26/12/19 Received

Diary No. 1171	Enclos. nil Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that certain inam lands in the [illegible] (British territory) belonging to [illegible] mortgaged by the late [illegible] and requests to that [illegible] as to whether a suit may be instituted for possession of the lands on redemption under Govt. management

NOTES AND ORDERS.

Subd. for orders as to whether the Govt. Advocate may be consulted, as suggested above.

29.12.19

2

Mer. R.C. No. 15 dy 2.1.1920

3. Forwarded, with enclosures, to the Govt. Advocate for favor of opinion.

2/1/20

Asst. to Govt. Mer. Secy.

NOTES—First Sheet.

Serial No.

No. M 48 | 19 20
8. 1 1920

16376

all

4. As the deed of mortgage in question is said to be an unregistered document, the mortgagee cannot claim to be in possession on the strength of this document which is not admissible in evidence, and as no such interest in immovable property can be created by means of an unregistered document. Further other questions also incidentally arise as, e.g., how far the act of the late Swami Sahavarma as his agent in mortgaging an inalienable Inamland for some unknown purpose is justifiable and binding on the present Swami. The latter has therefore a right to recover immediate possession of the properties in question.

There is however a moral obligation on the part of the Sivaganga Swami as a pious obligation too, to repay the amount actually borrowed. Under these circumstances I would suggest the issue of a notice on behalf of the Swamigal to the first mortgagee

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Key File No. 368 of 1919.

Serial No.

calling upon the party in possession to deliver immediate possession of the properties and intimating that in default a suit would be filed. The party will then surely obtain legal advice & find out the weakness of the legal position; and in the latter can be induced to come to some reasonable terms. Further, if the properties fetch, in the shape of net income very much more than the reasonable interest on the mortgage money he could perhaps be induced, on account of his unsound legal position, to part with the property after taking a sum much smaller than the amount covered by the deed.

If in spite of a notice, there should arise a necessity for filing a suit, this will have to be done by some person appointed by Government to act as the next friend of the Swamigalu, who is a minor, in the name of the Swamigalu himself.

W. Meares
Government Agent

Note—Contn. sheet.

6/1/20

G. R. S. III-2]

General and Revenue Secretariat.

Mig File No. 368 of 191

Serial No.

7. Draft amendment in accordance with the opinion of the Govt advocate 12/1/20

8 Draft submitted
13.1.20
15/1/20

Third Member 15/1/20

2620
15/1/20

9 No formal order is necessary.

10 The Govt Secretary may in his capacity of Secretary may take action on the lines suggested by the Govt advocate -- who whose opinion I quite agree - and report his results for orders

20/1

Draft Rule may be sent to the Supdt of Press 20/1/20

20/1/20

NOTE—Contn. sheet.

WD 023—GPB—800—10 4 16

OFFICE OF THE MUZRAI SUPERINTENDENT
IN MYSORE.

NOTE

SUBJECT

Resumption of certain inam lands in Mannur village of the Madakasira Taluk -- belonging to the Sri Sivaganga Matha.

---:0:----

In pursuance of the opinion expressed by the Government advocate a notice was -- issued to the Mortgagee Khuram Yellappa Setty requiring him to give up the lands in question, and informing him that in default of his doing so, steps will be -- taken in a competent Court of Law to - - recover possession of the lands.

2. In reply, Yellappa Setty sent a communication stating that the lands in question had been mortgaged to him by the late Swamigalu some 10 years ago for a sum of Rs. 250/- and that he had since then been in possession of the land appropriating the proceeds therefrom towards the interest due on his mortgage amount and that he is prepared to restore the land on the re-payment of the amount due to him

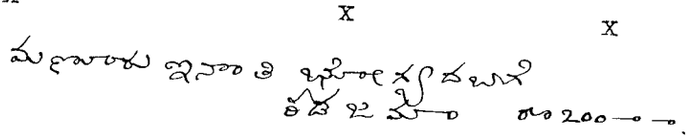
3. On this he was informed that his claim would be considered on his producing the registered document evidencing the -- mortgage transaction. The party appeared

in person on 3rd July 1920 and produced the original of the document dated 23rd July 1920, a copy of which had already been received from the Tasildar. This document is not on a stamp paper nor has it been registered. Nor are the survey Nos. of the lands mortgaged noted in the deed.

16. The document is thus not a valid one and Yellappa Setty can have no claims to the lands on this document. He may therefore be called upon to give up the lands on the ground that the document produced by him is unstamped and unregistered and can give him no valid -- claim.

17. But I may, at the same time submit that the account book of the daily cash transactions of the Matt, which has been attested by the deceased Swami contains the following entries under date 7th July 1910.

x x x



18 The Swami would thus appear to have been benefited to the extent of Rs.200/- and it is difficult to say for what -- purpose the loan was contracted. As a matter of grace the payment of Rs.100/- half the amount- to the claimant Yellappa may perhaps be considered as an equitable

adjustment on the lines of settlements of the Matt's debts effected in 1876 and 1896.

2nd Member

22 July 20

Murrai Superintendent.

491-146
22.7.20.

19. Action may be taken on the lines indicated. Since there is a credit entry in the account books maintained by the Mutt it is best to effect an equitable compromise & obtain possession of the lands. Institution of a suit in a Civil Court should be resorted to only in the last instance.

Recd
23.7.20.

24/7/20

24.7.20.

20. Draft letter to Tahasildar Madathukulam submitted as directed.

24.7.20.

21. The draft appears was issued. The Amildar writes to say that the time for the redemption of the alienated inam has been extended till the end of Oct. 1920.

22. The Amildar of the Pavagada Taluk was also written detailing

G. R. S. III-2]

General and Revenue Secretariat. | Rev File No. 368 of 1919

Serial No.

the facts of the Case and requesting him to negotiate for an amicable settlement of the Case.

2. The amildar reports that he ~~has~~ Camped at Dommalwari on 25-9-20 and having seen Kurram Pillai Gellappa prevailed upon him to effect a Compromise and that he is willing to redeem the Case from the mortgage for a sum of Rs 150/- is paid to him in full settlement of all his claims, ~~and~~ the remaining Rs 10/- being Considered as Pa dakanike to the Servants. Gellappa has also executed a Muchalika to this effect.

3. The amildar Considers the demand of Gellappa, reasonable & recommends that a sum of Rs 150/- may be paid and the Case redeemed.

Sub. for orders.

Ckg. 4/10/20.

The payment of Rs 150/- to Kurram Pillai Gellappa to redeem the mortgage would be sanctioned.

Head Munshi 6/10/20

Approved.

It is best to Cancel the transaction rather than

2151-112
6.10.20

Note—Contn. sheet.

Please abstract immediately 6/10/20

Recd 8/10

Recd 7.10.20

Acknowledgment.

(returned to office of posting for delivery to sender.)

No. 538

Registered

Addressed (in ink) Jellakatiaell

Ratnalankuta Jayatissa

Insured for Rs. [illegible] (value in rates)

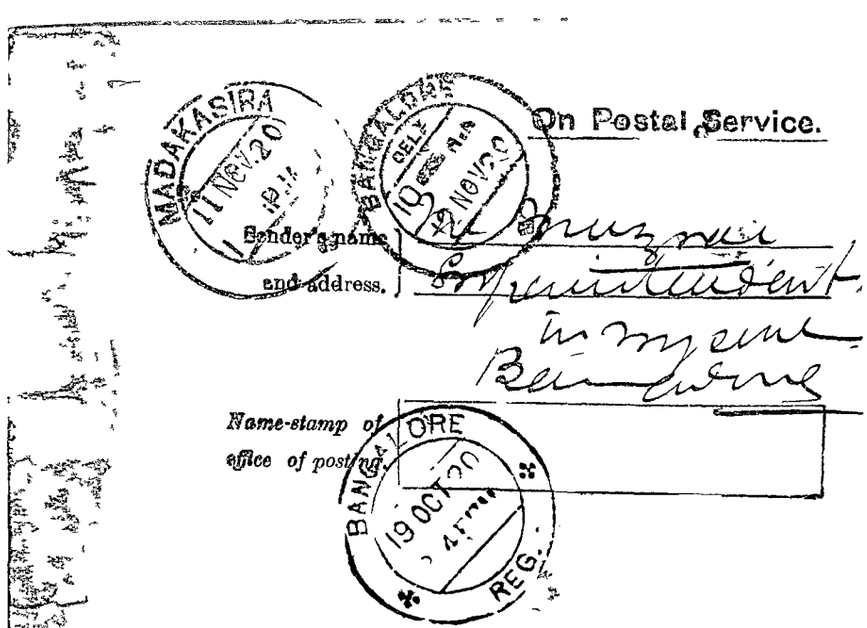
Weight (in words) [illegible]

Signature of addressee [illegible]

Date of delivery [illegible] 19

Write here "letter," "post-card," "packet" or "parcel," as the case may be. The word "Insured" if the article is insured. [illegible] proceeded by the word "Registered" in the case of registered articles, and to be omitted in the case of insured articles.

Lal Canad & Sons—1650—23 6 19—480,35,000 (Edn III).


On Postal Service.
Sender's name and address.
Name-stamp of office of posting.
MADAKASIRA
11 NOV 20
BANGALORE
10 NOV 20
BANGALORE
19 OCT 20
REG.

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.

Khurram Setty Yellappa was ordered to come here with all his papers in his possession, to pay and receive payment of his amount which he has agreed to take in full settlement of all his claims. He has failed to put in his appearance as ordered. Submitted for orders.

sd/- 5/11/20

Sent the Accused to the Auditor 6/11/20 with a Covering Communication dated.

8/11/20

Postal Receipt of postage

Yellappa has accepted the notice on 10th Inst.

He may be given another date to appear here & receive his money after [illegible] adducing a valid discharge with all documents in his possession - For Orders

13/11/20

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat. | File No. 368 of 1919

Serial No.	
	Draft order sanctg the recovery of the Warrants &c.
	RL 19.11.20 AMT 19-11-20
	Agree)
	Agree RJ 19/11/20
	AMT 23/11/20
2.	2. Insp. Supdt., Comptr & D.C. Bangalore
	No. 1791-3 G. S. III. 1
	Sanctions the Insp. Supdt's
	proposals in the matter of the re-
	lands of Sri Srinivasaraja Wadiyar, situated
	in Hannur village in the Hadanahalli H.K
B	

NOTE—Contn. sheet.

R.C.No 81
Enc one file 26 12 19

WD 023—C PB—800—10 4 16

OFFICE OF THE MUZRAI SUPERINTENDENT
IN MYSORE

NOTE

Survey No.	Description.	Tenure.	Extent.	Taram.	Q.Rent.
248	Dry	Inam	a.c. 1.06	0-13-0	0-0-0
307	Wet	do	2-90	10-2-0	1-5-0

-6.12.19.

SUBJECT

Resumption of certain inam lands endowed to the Sri Sivaganga Mutt in Mannur village of Madakasira Taluk.

-------0-------

The Sri Sivaganga Mutt in the Nelamangala Taluk is endowed with the marginally noted inam lands as reported by the Tahasildar of Madakasira in his letter No.1885 dated 3rd December 1919.

2. The Tahasildar issued a notice to the agent of the Mutt stating that if the lands in question which have been mortgaged to one Khuram Setty Ellappa of Rekulakunta for Rs. 250/- are not redeemed from the mortgagee within one year they will be resumed to Government.

3. In reply to the above, the Tahasildar was requested to forward a certified copy of the mortgage deed executed by the late Swaimgalu and to extend the period notified in the notice till March next.

4. The Tahasildar has now sent a copy of the mortgage deed which does not seem to have been either Registered or executed on a duly stamped paper. Besides, the deed indicates that only one wet land (Survey No. not entered) has been mortgaged for a consideration of Rs. 250 and it i

WD 023—GPB—500—10-4-16

OFFICE OF THE MUZRAI SUPERINTENDENT
IN MYSORE.

NOTE

SUBJECT

silent about the dry lands referred to in para 1 Supra.

5. In the cash Registers of the Mutt corresponding to the date of the execution of the document entry of a receipt of Rs. 200/- is made.

6. The land is Inam and is inalienable. The mortgage deed is not on - - stamped paper- nor has it been registered. Yellappa has since ~~has~~ paid a stamp duty of Rs. 1-0-0 and a penalty of Rs. 5/- on the deed under date 5-6-1918. But this payment can not cure initial defects which are ~~sent~~ such as to of the mortgage deeds under the document invalid.

7. The question may be referred to the Government Advocate for an ~~explanation~~ Explanation of his opinion, if the deed is invalid, a suit may be instituted to recover possession of the lands on behalf of the Mutt, which is now under Government management.

Muzrai Superintendent.

G.R.S. VI-71]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191

Date of issue.....23.11.20.....

Signed by.....Mr Asst Secy.....

May this be

i Printed

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Murrai Sheristadar's notes dated the 22nd July 20 and 4th October 1920 reporting that certain inam lands in Hanumanthapura village, Madakasira Taluk belonging to the Sri Surigunga Matt have passed into the possession of one Khurram Yellappa Setty of Rekalkunte village, Madakasira Taluk, who claims to have ~~Order Thereon—No~~ obtained the same from the deceased Swamii of the Matt on mortgage in consideration of a loan of Rs 250 given to the Swamii and that the said Yellappa Setty has however

agreed to accept an assignment in full satisfaction of his claim of Rs 150/- and give up possession of the lands, and recommending that the amount may be paid and the lands redeemed.

Order

The recommendation of the Murrai supdt is sanctioned

2) The Mur. supdt will draw the amount from the funds of the Srirangapa Mutt and pay the money to Gellappa Setty after duly obtaining from him a valid discharge of all his claims and the surrender of the Inam lands in question to the Mutt.

List of enclosures.

Dy Comr

Mandya

19.11.20

Comd by

Examined by

To

The Mur supdt with records

Comptroller to Govt

Dy. Comr Bangalore

WD 1744—GPB—30 000—17-3-19